



PROGRAM OF EXCELLENCE RESEARCH GRANTS

Researchers to probe CORE's Vancouver Island Process

B.C.'s Commission on Resources and Environment (CORE) processes on Vancouver Island will be evaluated through a research grant recently awarded by the UVic Institute for Dispute Resolution's Program of Excellence.

A \$3,000 grant has been awarded to Donald K. Alper and Robert A. Kelly for a project entitled *Dispute Resolution Processes and the Canadian Political System: A Case Study of British Columbia's Commission on Resources and Environment*.

Alper and Kelly will assess the success and impact of British Columbia's Commission on Resources and Environment (CORE) on Vancouver Island. The research will include examination of CORE archival documents and a survey of CORE staff and participants to determine their perceptions concerning equality of access to the process; ability to influence policy; and empowerment to exert influence over decisions in the process.

Donald K. Alper is Director of the Center for Canadian-American Studies and Professor of Political Science at Western Washington University in Bellingham, Washington. With a Ph.D from the University of British Columbia, he has an extensive background in Canadian public policy. Robert A. Kelly is Research Associate at the Center for Canadian-American Studies and has been an observer of the CORE Vancouver Island processes during round table discussions.

Conflicts involving Aboriginal Peoples focus of two literature reviews

Two research projects funded through the Program of Excellence will focus on conflict involving Aboriginal Peoples. Two grants of \$3,000 each will survey the existing literature on conflict resolution processes involving Aboriginal Peoples.

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QUALIFICATIONS FOR DISPUTE RESOLUTION: PERSPECTIVES ON THE DEBATE

Edited by Catherine Morris and Andrew Pirie

Beginning in the 1970s, alternative dispute resolution has attracted the attention of diverse groups of people, a wide range of organizations and, increasingly, many levels of government.

The marked growth of interest in dispute resolution has been accompanied by an increasing demand for the definition of qualifications and standards of practice. This drive is fuelled by practitioners through their organizations, consumers asking how to find qualified practitioners, and governments contemplating the public policy ramifications of institutionalizing dispute resolution processes.

Standards for dispute resolution practitioners dominates the agenda of several dispute resolution organizations in North America today. In its soon to be released book, *Qualifications for Dispute Resolution: Perspectives on the Debate*, the Institute for Dispute Resolution has drawn together the thinking of twelve Canadian scholars and practitioners. Edited by Catherine Morris and Andrew Pirie, the collection of twelve essays documents and explores issues involved in the current trend toward institutionalization, standard-setting and professionalization of the field of dispute resolution. The collection contains an introduction by Catherine Morris, the Director of Programs at the UVic Institute for Dispute Resolution. Morris is currently one of three Canadians serving on the Commission on Qualifications of the Society of Professionals in Dispute Resolution (1992-1994).

Diversity in the field of dispute resolution

The collection brings together perspectives from people in several sectors including family, criminal justice and community, public disputes, and education. Essays document the diversity of practitioners, processes, and contexts for dispute resolution in North America. Questions are raised on whether the same criteria of competency, standards of practice or accountability can be applied in the diverse contexts of dispute resolution practice.

Professionalization Probed

While the need for high quality in dispute resolution is affirmed throughout the collection, the apparent drive toward *continued on page 3*

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professionalization is probed critically. Cheryl Picard discusses the history of the professionalization of mediation, including an analysis of how mediation currently measures up against eight criteria used by some scholars to define a "profession." While professionalization is sought by many in the field, Picard, along with Duryea, concludes that the field of dispute resolution does not currently meet criteria denoting a profession.

Andrew Pirie, the Executive Director of the UVic Institute, discusses some more sobering prospects concerning professionalization. He locates the present qualifications debate within the broader framework of critical professionalization theory which suggests dominance and autonomy are the true hallmarks of a profession. Also, along with Cheryl Picard, Michelle LeBaron Duryea, Eric Gilman and Dave Gustafson, he points out the spectre that a professionalised field could become the exclusive domain of already powerful professional elites, squeezing out volunteer community mediation programs, or excluding local dispute resolution efforts which have origins in and serve particular ethnic communities.

Consumer protection

Tensions in the field are brought into sharp relief by essayists discussing the need for consumer protection. Connie Edwards addresses the need for competency among those teaching mediation skills in the school system. Barbara Landau provides persuasive arguments on the need for consumer protection in the area of family law mediation, including the need for screening practices and procedural safeguards to protect women and children from abuse or coercion during the course of family mediation.

Domination by majority North American culture

Essays by Patricia Monture-OKanee and Michelle LeBaron Duryea call attention to the fact that the organized field of dispute resolution, including the current discourse on qualifications for dispute resolution is dominated by middle class professionals, largely from Anglo-European descent. Missing in significant numbers are Aboriginal people and members of other ethnic or cultural minorities.

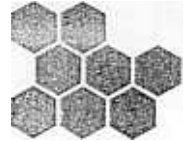
Monture-OKanee and Duryea reflect on the reasons for and the effects of the domination of the field by the majority culture. Monture points out how the field of dispute resolution has largely excluded the perspectives of Aboriginal people. Duryea warns the field of the current danger of setting dominant culture standards and qualifications which may be unsuitable in an increasingly pluralistic society.

Are current proposals for standards supported by existing knowledge?

A number of questions have not been answered by conflict theory and research so far. Current levels of

knowledge may not be sufficient to support proposals for standardized approaches to qualifications. For example, the requirement for mediator neutrality dominates several current proposals for mediator standards. However, research and critiques of mediation increasingly pose challenges to the universal desirability—and even the possibility—of neutrality in third party intervention.

Also unresolved is the issue of what kind of knowledge is necessary for third parties to be effective in resolving disputes. What education and background is useful for dispute resolution? How much and what kind of substantive knowledge is desirable? Landau provides a detailed opinion of what knowledge is desirable for family mediators. Essayists Peter Duinker and Margaret Wanlin, and Lisa Schirch-Elias refer to these questions in relation to public policy disputes.



Bibliography

The work is also valuable for the extensive bibliography gathered and discussed by the authors of this collection. The collection is expected to be available in early July, 1994.

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One of the grants was awarded to Norman Dale and Mary Simpson for a project entitled *A Critical Review of Experience, Issues and Research needs for Conflicts Involving Aboriginal Peoples*.

Dale and Simpson will draw and critically consider key themes on the topic of conflict involving Aboriginal peoples and will include recommendations for further research. The research paper will include an annotated bibliography.

Norman Dale has a background in Biology and Urban Studies and Planning and has conducted research for the National Roundtable on the Environment and the Economy. He is currently the principle of Rapport Mediation in Dartmouth Nova Scotia. Mary Simpson, with a background in environmental studies in participatory planning, is a senior researcher at the Rural and Small Town Programme at Mount Allison University in Sackville, New Brunswick.

The other grant was awarded to Richard Price for a project entitled *Contemporary Native American Perspectives on Dispute Resolution*. An Associate Professor in the School of Native Studies at the University of Alberta, Price will conduct a literature review which will have a focus on traditional forms of peacemaking still in use, or being revived, as well as tribal justice systems. The review will synthesize and overview the diverse literature, make recommendations for future areas of focused research, and produce an annotated bibliography.

The UVic Institute plans to publish the research findings from these three projects in late 1994. The grants will provide valuable contributions to the literature on dispute resolution and will establish valuable interdisciplinary partnerships with three other universities.
